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EXAMINER

HONEYCUTT, KRISTINA B

ART UNIT PAPER NUMBER

2178

DATE MAILED: 01/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/072,037	KOCOL, BRYAN	
	Examiner	Art Unit	
	Kristina B. Honeycutt	2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6,8-19,36,37 and 40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6,8-19,36,37 and 40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to the Request for Continued Examination filed November 18, 2005.

This action is made Non-Final.

2. Claims 1-6, 8-19, 36, 37 and 40 are pending in the case. Claims 7, 20-35, 38 and 39 have been cancelled. Claim 40 has been added. Claims 1, 36 and 40 are independent claims.

Claim Objections

3. The objection to Claim 16 for being unclear has been withdrawn as necessitated by the amendment.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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4. Claim 16 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
5. The rejections to Claims 13 and 30 for reciting the limitation "the hyper text transfer protocol" have been withdrawn as necessitated by the amendment.
6. Claim 16 recites the limitation "the programming language code" in line 1. There is insufficient antecedent basis for this limitation in the claim.
7. The rejection to Claim 16 for reciting the limitation "the processing" has been withdrawn as necessitated by the amendment.
8. The rejection to Claim 33 for reciting the limitation " the programming language code" has been withdrawn as necessitated by the amendment.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

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applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1, 5, 6, 9-15, 36, 37 and 40 are rejected under 35 U.S.C. 102(e) as being anticipated by Leshem et al. (U.S. Pub. No. 20020147805; publication date October 10, 2002; filed March 15, 2002; continuation of application filed October 22, 1998).

Regarding independent claim 1, Leshem discloses a method of capturing link-tracking information from a network user, the method comprising the steps of:

- providing a link-tracking server computer such that a network user viewing a tracking enabled Web page sends a request to the link-tracking server, wherein the request includes an instruction to record link-tracking information in a link-tracking file where said request retrieved is originally contained in a tracking-enabled Web page (p.1, para. 8; p. 10, para. 141; p.13, para. 179; p.15, para. 199, 200; p.16, para. 202 – as demonstrated in the cited text, a request to track accessed links in a tracking enabled Web page is made by a user since Leshem teaches a user selecting an action tracking function while viewing a web page that is capable of tracking accessed links through site usage data and an access log); and
- creating a record in a link-tracking file containing link-tracking information (p.15, para. 199-201 – as demonstrated in the cited text, the tracking information is provided in the site map).

Regarding dependent claim 5, Leshem discloses the method of claim 1, wherein:

- the network user employs a browser to view a display page and the display page is tracking-enabled by a server that is a content provider server computer or a third party server computer, that responds to the user with a page having link-tracking code and further including the step of sending one or more corresponding requests to the link-tracking server to automatically record link-tracking information for each link selected by the user (p.5, para. 93; p.13, para. 174; p.15, para. 199-201; p.16, para. 202 – as demonstrated in the cited text, the user employs a browser to view a page that is “tracking-enabled” by a server that is a content provider server computer that responds to the user with a page having “link-tracking code” and includes the step of sending corresponding requests to the “link-tracking” server to record “link-tracking” information for each link).

Regarding dependent claim 6, Leshem discloses the method of claim 5, wherein:

- the user is connected to the content provider, link-tracking server or third party server via a data network (p.3, para. 59; p.4, para. 87 – as demonstrated in the cited text, the user is connected via a data network).

Regarding dependent claim 9, Leshem discloses the method of claim 5, wherein:

- the link-tracking server executes Web server software that includes an application server and a data store (p.3, para. 59; p.10, para. 140; p.13, para.

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176; p.15, para. 199, 200 – as demonstrated in the cited text, the “link-tracking” server executes software that includes an “application” server and a “data store”).

Regarding dependent claim 10, Leshem discloses the method of claim 9, wherein:

- the data store also contains the link-tracking files storing the link-tracking information (p.15, para. 199, 200 – as demonstrated in the cited text, the “data store” contains the “link-tracking” files storing the “link-tracking” information).

Regarding dependent claim 11, Leshem discloses the method of claim 9, wherein:

- the data store also contains one or more other data files other than the file storing the link-tracking information (p.15, para. 200, 201 – as demonstrated in the cited text, the “data store” contains files other than the file storing the “link-tracking” information).

Regarding dependent claim 12, Leshem discloses the method of claim 11, wherein:

- the other data files comprise scripts or programs containing instructions to record the link-tracking information to the link-tracking files, or to generate link-tracking statistics or reports requested by a link-tracking subscriber (p.15, para. 200, 201 – as demonstrated in the cited text, the other files comprise “scripts” or “programs” containing instructions to record the “link-tracking” information to the files or to generate “link-tracking statistics or reports” requested by a “link-tracking subscriber”).

Regarding dependent claim 13, Leshem discloses the method of claim 5, wherein:

- the link-tracking code is sent using a hyper text transfer protocol (p.13, para. 176; p.15, para. 200 – as demonstrated in the cited text, the code is sent using the hyper text transfer protocol).

Regarding dependent claim 14, Leshem discloses the method of claim 5, wherein:

- the requests are real time protocol or file transfer protocol requests (p.9, para. 121, 122 – as demonstrated in the cited text, the requests are file transfer protocol requests).

Regarding dependent claim 15, Leshem discloses the method of claim 5 wherein:

- link-tracking information is captured by using a programming language to treat links as objects or link controls having properties sufficient to retrieve and read the properties link-tracking information (p.4, para. 88; p.5, para. 93; p.13, para. 174; p.15, para. 199-201; p.16, para. 202 – as demonstrated in the cited text, link-tracking information is captured by using a programming language to treat links as objects having properties to retrieve and read the link-tracking information).

Regarding independent claim 36, Leshem discloses a computer server system for responding to requests for network data files comprising web site pages, the server system comprising:

- a plurality of computers, each having a central processing unit that can establish communication with a network and having program memory that stores programming instructions that are executed by the central processing unit such that each computer of the server system establishes communication with the network (p.3, para. 59; p.4, para. 81, 87; p.10, para. 140; p.13, para. 179 – as demonstrated in the cited text, computers establish communication with the network and have memory that stores instructions such that each computer of the server system establishes communication with the network),
- a link-tracking server computer and a user computer configured such that a network user viewing a tracking enabled Web page sends a request to the link-tracking server, wherein the request includes an instruction to record link-tracking information in a link-tracking file where said request received is originally contained in a tracking-enabled Web page (p.1, para. 8; p. 10, para. 141; p.13, para. 179; p.15, para. 199, 200; p.16, para. 202 – as demonstrated in the cited text, a request to track accessed links in a tracking enabled Web page is made by a user since Leshem teaches a user selecting an action tracking function while viewing a web page that is capable of tracking accessed links through site usage data and an access log); and
- a link-tracking file containing link-tracking information is created on the link tracking server (p.15, para. 199-201 – as demonstrated in the cited text, a file containing link-tracking information is created on the server).

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Regarding dependent claim 37, Leshem discloses the computer server system of claim 36 wherein:

- the network user employs a browser to view a display page and the display page is tracking-enabled by a server that is a content provider server computer or a third party server computer, that responds to the user with a page having link-tracking code or an image source file and further including the step of sending one or more corresponding requests to the link-tracking server to automatically record link-tracking information for each link selected by the user (p.4, para. 86; p.5, para. 93; p.13, para. 174; p.15, para. 199-201; p.16, para. 202 – as demonstrated in the cited text, the user employs a browser to view a page that is “tracking-enabled” by a server that is a content provider server computer that responds to the user with a page having “link-tracking” code or an image source file and further includes the step of sending corresponding requests to the server to record “link-tracking” information for each link).

Regarding independent claim 40, Leshem discloses a method of capturing link-tracking information from a network user, the method comprising the steps of:

- requesting a Web page content from a content provider server via a data network (p.4, para. 82, 87; p.5, para. 93 – as demonstrated in the cited text, a user requests a web page from the server);
- receiving a tracking enabled Web page via the data network, wherein the tracking enabled Web page contains a link tracking code that initializes an initial

function which creates an array of links contained in the received tracking enabled Web page (p.4, para. 82; p.10, para. 141 – as demonstrated in the cited text, the page is received and an array of links is created since a site map of all links is provided for the page);

- receiving a selection of a link in the array of links (p.5, para. 93 – as demonstrated in the cited text, the user selects a link from the site map);
- sending a link tracking request to a link tracking server via the data network, wherein the link tracking request corresponds to the selected link (p.5, para. 93; p.15, para. 199, 200; p.16, para. 202 – as demonstrated in the cited text, a request to track accessed links in a tracking enabled Web page is made by a user since Leshem teaches a user selecting an action tracking function while viewing a web page that is capable of tracking accessed links through site usage data and an access log); and
- sending a Web page content request to a content provider server, wherein the Web page content request corresponds to the selected link (p.5, para. 93 – as demonstrated in the cited text, a request is sent to the server).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leshem in view of Bruck et al. (U.S. Patent 6268856; date of patent July 31, 2001; filed September 8, 1998).

Regarding dependent claim 2, Leshem discloses determining a domain name of a file name specified in the network user request (p.9, para. 121).

Leshem further discloses indicating an exit link in the link-tracking file (p.16, para. 211).

Leshem does not disclose determining if the domain name of the requested file is different from a domain name of the current display page. Bruck teaches determining if the domain name of the requested file is different from another domain name (col. 12, lines 7-39). It would have been obvious to one of ordinary skill in the art, having the teachings of Leshem and Bruck before him at the time the invention was made, to modify domain names taught by Leshem to include determining if the domain name is different as taught by Bruck, because determining if the requested domain name is different from the domain name displayed would allow the user to ensure that he/she is selecting the webpage that he/she desires to view. It would have been advantageous to one of ordinary skill to utilize such combination because the user would be able to determine if the webpage requested is correct or if an error has been input since a difference would be determined.

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Regarding dependent claim 3, Leshem does not disclose parsing the file name to identify a file name extension, a domain name, and a country code, if present in the file name. Bruck teaches parsing the file name to identify a file name extension, a domain name, and a country code (col. 12, lines 7-39). It would have been obvious to one of ordinary skill in the art, having the teachings of Leshem and Bruck before him at the time the invention was made, to modify domain names taught by Leshem to include parsing the file name as taught by Bruck, because parsing the file name would ensure that the correct webpage is retrieved and returned to the user.

11. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Leshem in view of Bruck in further view of Kirsch (U.S. Patent 5963915; date of patent October 5, 1999; filed February 21, 1996).

Regarding dependent claim 4, Leshem discloses the network user employs a browser to view the page (p.13, para. 174).

Leshem further discloses the display page is sent from a server having a given domain (p.9, para. 121).

Leshem does not disclose causing the browser to provide one or more cookies that originate from that domain. Kirsch teaches providing cookies that originate from that domain (col. 3, lines 17-20). It would have been obvious to one of ordinary skill in the art, having the teachings of Leshem and Kirsch before him at the time the invention was made, to modify displaying a page taught by Leshem to include providing cookies

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as taught by Kirsch, because providing cookies would allow the server system to store selected information on client systems, as taught by Kirsch (col. 3, lines 13-15). It would have been advantageous to one of ordinary skill to utilize such combination because providing cookies would keep the server from having to gain certain information from the user each time the page is accessed since the information would be stored in the cookies.

12. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Leshem in view of Kim (U.S. Pub. No. 20030014262; publication date January 16, 2003; filed December 20, 2000).

Regarding dependent claim 8, Leshem does not disclose the user is connected to the content provider server via a data network that is a value added network. Kim teaches a value added network (p.4, para. 39). It would have been obvious to one of ordinary skill in the art, having the teachings of Leshem and Kim before him at the time the invention was made, to modify a data network taught by Leshem to include a value added network as taught by Kim, because value added networks were well-known at the time of the invention and using value added networks would have allowed more users to utilize the invention since there was a familiarity with this type of network.

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13. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Leshem in view of Greer et al. (U.S. Patent 6009429; date of patent December 28, 1999; filed November 13, 1997).

Regarding dependent claim 16, Leshem does not disclose the programming language specifies a function initial and searches for links having anchor tags identified with start and end tags. Greer teaches programming language code functions and links with anchor tags (col. 2, lines 61-65; col. 5, lines 54-56). It would have been obvious to one of ordinary skill in the art, having the teachings of Leshem and Greer before him at the time the invention was made, to modify the method taught by Leshem to include programming language code functions and links with anchor tags as taught by Greer, because using links with anchor tags would make the tags easy to locate since they would be marked by start and end tags.

14. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Leshem in view of Vyaznikov et al. (U.S. Patent 6122672; date of patent September 19, 2000; filed December 16, 1996).

Regarding dependent claim 17, Leshem does not disclose the link-tracking code is written such that whenever the link-tracking server is inoperative or inaccessible, the request for the page as selected by the user via a link may still be received at the content provider server or third party server. Vyaznikov teaches a server being

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inaccessible but the request being received at another server (col. 5, lines 45-51). It would have been obvious to one of ordinary skill in the art, having the teachings of Leshem and Vyaznikov before him at the time the invention was made, to modify the method taught by Leshem to include receiving a request at another server when one is inaccessible as taught by Vyaznikov, because receiving the request at another server would ensure that the request was processed despite one server being inaccessible or inoperative.

15. Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leshem in view of Kirsch.

Regarding dependent claim 18, Leshem does not disclose cookies are sent by the server to create new cookies or update existing cookies contained in the user's computer. Kirsch teaches creating new cookies (col. 13, lines 11-14). It would have been obvious to one of ordinary skill in the art, having the teachings of Leshem and Kirsch before him at the time the invention was made, to modify the method taught by Leshem to include creating new cookies as taught by Kirsch, because creating cookies would allow the server system to store selected information on client systems, as taught by Kirsch (col. 3, lines 13-15). It would have been advantageous to one of ordinary skill to utilize such combination because creating cookies would keep the server from having to gain certain information from the user each time the page is accessed since the information would be stored in the cookies.

Regarding dependent claim 19, Leshem does not disclose the server checks to see whether the user computer already has existing cookies. Kirsch teaches checking for existing cookies (col. 11, lines 33-38). It would have been obvious to one of ordinary skill in the art, having the teachings of Leshem and Kirsch before him at the time the invention was made, to modify the method taught by Leshem to include checking for existing cookies as taught by Kirsch, because checking for existing cookies would allow the server to plug in user information if a cookie exists instead of prompting the user for the information. It would have been advantageous to one of ordinary skill to utilize such combination because checking for cookies would keep the server from having to gain certain information from the user each time the page is accessed since the information would be stored in the cookies.

Response to Arguments

16. Applicant's arguments filed November 18, 2005 have been fully considered but they are not persuasive. Regarding independent claims 1 and 36, Applicants indicate that Leshem does not teach that the source code for a Web page can initiate the sending of a request that includes an instruction that a link-tracking server will carry out to record Web page link-tracking information in a link-tracking file (p.7, lines 1-4). The Examiner disagrees because Leshem teaches a user sending a request to a link-tracking server that includes an instruction to record link-tracking information (p.1, para. 8; p. 10, para. 141; p.13, para. 179; p.15, para. 199, 200; p.16, para. 202), which is

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claimed in amended independent claims 1 and 36, since Leshem teaches a user selecting an action tracking function while viewing a web page that is capable of tracking accessed links through site usage data and an access log.

Claims 2-6, 8-19 and 37 depend from independent claims 1 and 36. Therefore claims 2-6, 8-19 and 37 are rejected at least based on the rationale of the rejection above.

Regarding added independent claim 40, Applicants indicate that Leshem does not teach the claimed invention (p.9, lines 17-18). The Examiner disagrees because Leshem teaches requesting and receiving a web page, creating an array of links, selecting links and requesting link tracking based on the selected link (p.4, para. 82, 87; p.5, para. 93; p.10, para. 141; p.15, para. 199, 200; p.16, para. 202).

Conclusion

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Enhanced position control of web pages (U.S. Patent 6823490),
- Method for preserving referential integrity within web sites (U.S. Patent 6578078),

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- Communication assistance method and device (U.S. Pub. No. 20020010742).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristina B. Honeycutt whose telephone number is 571-272-4123. The examiner can normally be reached on 8:00 am - 5:00 pm Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on 571-272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


KBH


CESAR PAULA
PRIMARY EXAMINER